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Office of Procurement Policy

- Establish and Maintain Procurement Policies
- Overview of:
 - Section 508
 - Earned Value Management Systems

Both Technical Requirements
Specifics Applied At the Task Order Level

Policy and Procedure Memorandum 39.2

- **Section 508 of the Rehabilitation Act of 1973 (Amended by P.L. 105-220)**
- **Architectural and Transportation Barriers Compliance Board (Access Board) created federal standards for EIT products to become more accessible by individuals with disabilities.**

The Paperwork

- Section 508 Determination – Program Office Evaluates the Market Place
- EIT Commercial Non-Availability Certification (Products and Maintenance)
- Undue Burden (Government may reserve right at any time during acquisition process)

IRS Clauses

- Section 508 Information, Documentation, and Support (SEP 2006) – All Solicitations and Awards
- Section 508 Conformance (SEP 2006) – All Supplies/Product Solicitations/Awards less BPA for E-Catalog
- Section 508 Services (SEP 2006) – All Solicitation/Awards for EIT Services
- Section 508 Accessibility of EIT (SEP 2006) – All Supplies/Products When Establishing BPA for E-Catalog

Section 508 Information, Documentation, and Support (SEP 2006) (All Solicitations and Awards)

In accordance with [36 CFR 1194, Subpart D](#), the electronic information technology (EIT) products and product support services furnished in performance of this contract shall be documented to indicate the current conformance level with Section 508 of the Rehabilitation Act of 1973, per the 1998 Amendments, and the [Architectural and Transportation Barriers Compliance Board's Electronic and Information Technology Accessibility Standards](#). At no time during the performance of the award shall the level of conformance go below the level of conformance in place at the time of award. At no additional cost, the contractor shall provide information, documentation, and support relative to the supplies and services as ***described in Section J, Attachment [FILL IN]***. The Contractor shall maintain this detailed listing of compliant products for the full contract term, including all forms of extensions, and shall ensure that it is current within five calendar days after award and within three calendar days of changes in products being utilized as follows:

Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge.

End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge.

Support Services for products shall accommodate the communication needs of end-users with disabilities.

[End of clause]

Section 508 Conformance (SEP 2006) – All Supplies/Product Solicitations/ Awards less BPA for E-Catalog

- Each electronic and information technology (EIT) product and/or product related service delivered under the terms of this contract, at a minimum, shall conform to the applicable accessibility [standards at 36 CFR 1194](#) at the level of conformance specified in Section J, Attachment [F/LL /M].
- The following technical standards have been determined to be applicable to this contract:
 - ☐ 1194.21, Software applications and operating systems.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j) ☐ (k) ☐ (l)
 - ☐ 1194.22, Web-based intranet and internet information and applications.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j) ☐ (k) ☐ (l) ☐ (m) ☐ (n) ☐ (o) ☐ (p)
 - ☐ 1194.23, Telecommunications products.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j) ☐ (k)
 - ☐ 1194.24, Video and multimedia products.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e)
 - ☐ 1194.25, Self contained, closed products.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h)
 - ☐ ☐ (i) ☐ (j)
 - ☐ 1194.26, Desktop and portable computers.
 - ☐ ☐ (a) ☐ (b) ☐ (c) ☐ (d)
- The standards do not require the installation of specific accessibility-related software or the attachment of an assistive technology device, but merely require that the EIT be compatible with such software and devices so that it can be made accessible if so required by the agency in the future.
- The follow functional performance criteria ([36 CFR 1194.31](#)) apply to this contract.
 - ☐ (a) At least one mode of operation and information retrieval that does not require user vision shall be provided, or support for assistive technology used by people who are blind or visually impaired shall be provided.
 - ☐ (b) At least one mode of operation and information retrieval that does not require visual acuity greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for assistive technology used by people who are visually impaired shall be provided.
 - ☐ (c) At least one mode of operation and information retrieval that does not require user hearing shall be provided, or support for assistive technology used by people who are deaf or hard of hearing shall be provided.
 - ☐ (d) Where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided.
 - ☐ (e) At least one mode of operation and information retrieval that does not require user speech shall be provided, or support for assistive technology used by people with disabilities shall be provided.
 - ☐ (f) At least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and strength shall be provided.

[End of clause]

DEFINITION EIT

- “Electronic and information technology (EIT)” has the same meaning as “information technology” except EIT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term EIT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

Definition “Information Technology”

- “Information technology” means any equipment, or interconnected system(s) or subsystem(s) of equipment, that is used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency.
- (1) For purposes of this definition, equipment is used by an agency if the equipment is used by the agency directly or is used by a contractor under a contract with the agency that requires—
 - (i) Its use; or
 - (ii) To a significant extent, its use in the performance of a service or the furnishing of a product.
- (2) The term “information technology” includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources.
- (3) The term “information technology” does not include any equipment that—
 - (i) Is acquired by a contractor incidental to a contract; or
 - (ii) Contains imbedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment, such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.

Definition Commercial

FAR Part 2.1 Definitions (Some, but not all elements of definition)

“Commercial item” means—

- (1) Supplies/Products used by the general public/non-governmental entities for other than governmental purposes (sold, leased, or licensed (or offered) to the general public);
- (2) Item that evolved from an item described in (1) above, but not yet available in the marketplace, but will be available in commercially to satisfy the delivery requirements;
- (3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2), but for—
 - (i) Modifications of a type available in the marketplace; or
 - (ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Government requirements (modifications that do not significantly alter the commercial function or essential physical characteristics of an item or component, or change the purpose of a process.
- (5) Installation services, maintenance services, repair services, training services, and other services if—
 - (i) Services procured for support of an item referred to in paragraph (1), (2), (3), or (4) of this definition; and
 - (ii) The source of such services provides similar services to the general public under similar terms and conditions;
- (6) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace

Government's Evaluation

- Tailor Based on Section 508 Determination
- 100% vs. Most Compliant
- Interacts with other statutes or regulations
- Government's Minimum Requirement

Earned Value Management Systems

- Policy and Procedure Memorandum No. 34.2

Statutes Related to EVM

Law

- Government Performance and Results Act of 1993 GPRA
- Federal Acquisition Streamlining Act of 1994 – Title V (FASA V)
- Information Technology Management Reform Act of 1996 (ITMRA/Clinger-Cohen Act)

Purpose

- Establish performance Standards for Federal budget
- Report cost, schedule and performance goals and evaluate progress
- Report performance information systems acquisition

Office of Management & Budget EVM Policy

Policy Guidance

- OMB Circular A-11 Part 7
– Capital Programming Guide

Purpose

- Unified guidance to support OMB reporting to Congress (including IT)

Circular A-11 Policy

- Capital Programming Guide
- Agencies must establish cost, schedule and performance goals for major acquisitions and then achieve, on average, 90% of those goals
- Requires use of earned value “or similar” performance-based management system

Governance Process



Integrated Project Team

New, Modified, and Corrections

Key EVM Inputs in the Solicitation Development Process

- Do you include EVM at all?
- Where do you address EVM in the RFP/RFQ?
 - Section C – Performance Work Statement
 - Section I – General Provisions
 - Section J – Exhibits/Attachments
 - Section L – Instructions to Offerors
 - Section M – Evaluation Factors for Award

Section C – Performance Work Statement

- The IRS has developed Standard Contract Language (SCL) for acquisitions identified for EVM. SCL includes statements requiring:
 - Development of a contract work breakdown structure (CWBS) at a level adequate for management and contract control
 - The contracted technical effort to use a guidelines-compliant EVMS that correlates cost & schedule performance with technical progress (ANSI/EIA Standard 748-A-1998(R2002))
 - Designation of critical subcontractors by name for EVM compliance and flow down of EVMS compliance to subcontractors
 - An Integrated Baseline Review (IBR)
 - Reference to EVMS data items as part of Integrated Program Management reporting

Section I – General Provisions

- FAR 52.234-2 Notice of Earned Value Management System – Pre-Award IBR (July 2006)
- FAR 52.234-3 Notice of Earned Value Management System – Post-Award IBR (July 2006)
- FAR 52.234-4 Earned Value Management System (July 2006)

Thresholds ? TBD

Section J – Exhibits/Attachments

- Work Breakdown Structure (WBS)
- EVM Related Data Item Descriptions (DiDs)
 - Contract Performance Report – DI-MGMT-81466A
 - Integrated Master Schedule – DI-MGMT-81650
 - Contract WBS – DI-MGMT-81334B
 - Contract Funds Status Report – DI-MGMT-81468
- Contract Data Requirements List (CDRL) used to put Contract Performance and Integrated Master Schedule reports on acquisitions

Section L – Instructions to Offerors

- Guidance to bidders for the assembly of their proposals
- Each offeror's proposal shall include a description of the EVMS to be used in accordance with the appropriate solicitation clauses
- Compliance with Validation requires:
 - Reference to an Advance Agreement and a copy of the approved EVM system description; or
 - A plan to obtain EVM validation to include how the system will be validated.
- Compliance Only requires: a written summary of the proposed EVMS reference in sufficient detail to show how it addresses all ANSI/EIA-748 guidelines (Proposed Thresholds)

Section M – Evaluation Factors for Award

- Evaluation of the proposed EVMS is normally undertaken as part of the proposal evaluation process to determine the probability of the system meeting the guidelines.
 - For Existing Systems – evaluation may consist of a confirmation that the referenced validation is accurate and current. The system should be currently in use, and surveillance should not have identified significant, uncorrected problems.
 - For EVMS (without validation) – the EVMS description should be evaluated for completeness against the guidelines in ANSI/EIA-748.
- An on-site examination of a proposed EVMS should not normally be required during proposal evaluation. But if deficiencies are identified, written communications or an on-site visit may be required when approved by the Source Selection Board and Procuring Activity.
- DCMA should be requested to provide insight regarding EVMS capability, quality, and past performance.

Summary

- EVM planning activities must occur before issuance of the solicitation
- EVM considerations in the solicitation are the first steps to EVM success in the acquisition
- EVM data requirements in the acquisition should reflect your need for EVM data throughout the acquisition period of performance